

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

JACKIYA FORD,

CV 10-31-M-DWM-JCL

Plaintiff,

vs.

ORDER

COUNTY OF MISSOULA, MONTANA;
FRED VAN VALKENBURG, Missoula
County Attorney; DOROTHY BROWNLOW,
Deputy County Attorney; DEBBIE MERSEAL,
Supervising Clerk; KIM COX, Deputy County Clerk;
SARGENT RIO; DEPUTY WALROD, Deputy Sheriff;
BITTERROOT VALLEY BANK; and
STATE OF MONTANA,

Defendants.

Pending before the Court is Plaintiff Jackiya Ford's Motion for Summons filed on June 8, 2010. Ford requests the Court issue summons for service on certain Defendants named in this action. For the reasons stated below, Ford's motion is premature and will be denied.

Ford is proceeding *pro se* in this action, and the Court has granted her leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Ford filed her original Complaint on April 2, 2010, and the Court conducted a preliminary screening of Ford's allegations as required under 28 U.S.C. § 1915(e)(2). By Order entered April 14, 2010, the Court ordered Ford to file an amended complaint on or before May 14, 2010.

Ford failed to file an amended pleading as directed. Therefore, on May 25, 2010, the Court issued its ruling recommending that this action be dismissed due to Ford's failure to comply with the April 14 Order, and her failure to prosecute this action. The recommendation is currently pending for consideration by the presiding District Judge.

On June 8, 2010, Ford untimely filed an Amended Complaint. Her pending Motion for Summons was filed in conjunction with her Amended Complaint.

At this stage of the proceedings, Ford has not timely presented a pleading for the Court's preliminary review under 28 U.S.C. § 1915(e)(2), and this action is currently subject to dismissal as recommended in the Court's May 25, 2010 ruling. The Court must conduct and complete its review of a pleading under 28 U.S.C. § 1915(e)(2) before it can permit service of process on the Defendants. *See Neitzke v. Williams*, 490 U.S. 319, 324 (1989). Furthermore, the Court has inherent power and discretion to control its docket, and the proceedings within the cases on its docket. *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Therefore, due to Ford's failure to timely file her amended pleading the Court has not yet

completed its review of her allegations under § 1915(e)(2), and the summonses cannot be issued at this time. Accordingly, IT IS HEREBY ORDERED Ford's Motion for Summons is DENIED.

DATED this 10th day of June, 2010.

/s/ Jeremiah C. Lynch

Jeremiah C. Lynch

United States Magistrate Judge